SBCivil Writ Petition No.44/2003

Prem Raj
Vs.
State of Rajasthan & Ors.

Date of Order :: 22nd August, 2006

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. D.S.Rajvi, for the petitioner.
Mr. R.P.S.Choudhary, Addl.Govt.Advocate.

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The petitioner, a patwari, was placed under suspension on 17.2.2000 and was continued as such upto 18.2.2002. An inquiry under Rule 16 of the Rajasthan Civil Services (Classification, Control & Appeal) Rules, 1958 (hereinafter referred to as “the Act of 1958”) was conducted against him by the disciplinary authority and under the inquiry report dated NIL Anx.3 he was not found guilty for the charges alleged. The disciplinary authority then choose to proceed against the petitioner denovo. In wdenovo inquiry too allegations were not proved, therefore, the disciplinary authority by order dated 12.1.2004 exonerated the petitioner from the charges levelled.

The only grievance of the petitioner is that the respondents have not decided the issue with regard to grant of wages for the period the petitioner remained under suspension i.e. commencing from 17.2.2000 to 18.2.2002.

Heard counsel for the parties.

Once the petitioner has been exonerated from the allegation of misconduct then there is no reason for not making full payment of wages for the period he remained under suspension. The respondents in their reply too have not given any reason for not making full payment of wages for the period the petitioner remained under suspension.

Accordingly, this petition for writ is allowed and the respondents are directed to make payment of the full wages to the petitioner for the period commencing from 17.2.2000 to 18.2.2002. If the respondents have not released the increments for the period the petitioner faced suspension, then the same shall also be released by the respondents expeditiously.

(GOVIND MATHUR),J.

kkm/ps.